

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:10cr161**

UNITED STATES OF AMERICA,

Vs.

MICHAEL J. FOLEY,

Defendant.

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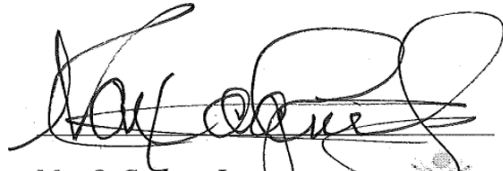
ORDER

THIS MATTER is before the court on the defendant's pro se Motion Requesting Current Balance and Status of Restitution as Ordered by this Court (#45). Review of the docket reveals that defendant remains represented by retained counsel and that the Clerk of Court properly construed such motion as a letter to the Clerk of Court requesting a current balance. Defendant is advised that Local Criminal Rule 47.1(H) requires motions in the criminal case to be filed only by counsel where counsel is of record, and that the appropriate way to request current balances as to restitution is to contact the Clerk of Court by letter. The court appreciates the government's timely response as it may well be informative to defendant.

ORDER

IT IS, THEREFORE, ORDERED that the court reaffirms the Clerk of Court's determination that defendant's pro se Motion Requesting Current Balance and Status of Restitution as Ordered by this Court (#45) is a letter to the Clerk of Court, and therefore denies the motion as non-justiciable.

Signed: November 28, 2012



Max O. Cogburn Jr.
United States District Judge